

ARIZONA SENATOR MARK KELLY

THE BRANDON ACT

Ensuring service members who have the courage to seek care are able to obtain it

The Brandon Act, named in honor of Brandon Caserta, would require the Department of Defense to establish a standard phrase that service members may use to initiate a mandatory and immediate mental health evaluation referral. The bill honors the memory of Petty Officer Third Class Brandon Caserta, who died by suicide on June 25, 2018 on his Navy Helicopter Squadron's flight line in Norfolk, VA.

Petty Officer Brandon Caserta was 21 years old when he died from suicide following a period of sustained bullying and hazing that he endured from some of his fellow sailors. He tried to find help to escape that impossible situation, and despite reaching out to multiple individuals within his chain of command, did not receive support and was unable to get the treatment he needed. Had he not encountered multiple barriers to accessing mental health services—including the stigma of self-reporting—he would likely be here today.

The Brandon Act would establish a standard phrase, like “Brandon Act,” that when spoken by a member of the armed forces to a commanding officer or supervisor would trigger a confidential mental health evaluation referral that would not require a notification to the command. This bill would require the referral be made as soon as is practicable following a service member’s use of the phrase. *The Brandon Act* does this by amending 10 U.S.C. 1090a, existing law that regulates commanding officer and supervisor referrals of members for mental health evaluations.

The Brandon Act requires that the Department of Defense establish a disclosure and referral process that protects the confidentiality of the service member. It is modeled after the restricted reporting procedures currently in place for victims of sexual assault. The restricted reporting process mirrored in the *Brandon Act* would allow service members who experience mental health issues to confidentially self-report and receive access to a mental health evaluation and appropriate care without notifying command or law enforcement officials, respecting privacy and streamlining timely access to critical care.

Petty Officer Caserta's death was one of 68 Navy suicides in 2018 - at the time, the highest year on record. Since then, the Defense Department has reported 377 active duty suicides in 2020, up from 348 in 2019, and 326 in 2018. While the data is still incomplete, military leaders have acknowledged that the early months of the COVID-19 pandemic saw additional sharp rises in the number of suicides in the U.S. Armed Forces. It is clear something must change within the military to ensure that the individuals who volunteer to put their lives in harm’s way are not subjected to the same stigma and barriers to care as Brandon Caserta. They all deserve better.

— ARIZONA SENATOR —

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The *Brandon Act* was previously introduced in the 116th Congress as H.R.7368/S.4334 by a bipartisan team of Representative Seth Moulton (D-MA-06) and Senator Martha McSally (R-AZ).

Senator Kelly and Representative Moulton plan to reintroduce the bill this summer. Please contact [Rachel Miller@kelly.senate.gov](mailto:Rachel.Miller@kelly.senate.gov) with any questions.